



FLOOD CONTROL DISTRICT

of

Maricopa County

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FAX COVER SHEET

TO: Jim Vreeland

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FROM: Catesky Moore

NUMBER OF PAGES BEING SENT INCLUDING COVER SHEET: 3

IF THERE ARE ANY PROBLEMS, PLEASE CALL (602) 506-1501.

COMMENTS: I hope this is helpful.

I will send you the report
from Western Technologies when
it becomes available.

Catesky

Flood Control District of Maricopa County

Environmental Branch

Memo to the Record

On Thursday, February 17th I received a phone call from Paul Perry of the Arizona Department of Environmental Quality regarding medical waste that had been found on the south bank of the Salt River just east of McClintock Road. Mr. Perry was calling because the property where this waste had been discovered was not under the City of Tempe's jurisdiction, but was a county island. The reason he was contacting the District was that this material was in the floodplain. Mr. Perry felt that it was the District's responsibility to clean it up. He stated that from his site visit, the medical waste would barely fill a small (30 gallon) drum.

I called Marian Sams (with the County Department of Environmental Quality) and he reiterated what Mr. Perry had said. He also told me that the County practice is to clean up drums, and questionable waste when it is found in areas under the County's jurisdiction. This practice offered a quick response to potentially hazardous conditions and safe-guarded the public. Both Mr. Sams and Mr. Perry indicated their concern that the river could be expected to rise, due to increased releases by SRP in response to upcoming storms.

I then spoke with my division chief, Don Park, who cautioned me against becoming involved where we had no immediate responsibility. He advised me to speak with Stan Smith and Neil Erwin. In the interim, I called Western Tech, who is our Haz Mat consultant to get some information on the extent and possible costs of the clean-up. His rough estimate was less than \$2,000.

Neil and Stan advised that unless the waste was located on District owned property, we really shouldn't get involved in the cleanup. After discussing probable costs, and the fact that the river was rising while public agencies passed the buck, it was agreed that if we could clean up the waste quickly, and inexpensively under our Haz Mat contract, it would be in the public's best interest.

After speaking to Neil and Stan, I was contacted by Rick DeBruhl with channel 12 for information on the clean-up. I explained the situation to date and told him that I would keep him informed.

I spoke with Paul Perry and we discussed cleanup responsibilities. He stated in areas under his jurisdiction that the state practice had been to clean-up inexpensive problems, but that his budget had reached a point where he now explains to the property owner that it is their responsibility to pay for the clean-up and that he can arrange for it, but it will probably be significantly cheaper for them to handle the clean-up. He explained to me that because medical waste was not considered to be a hazardous waste, and that the property was in a county island, it was outside his jurisdiction. I raised the "who owns the river?" question to which he responded that the waste was not in the river but in the floodplain. He stated that his boss (Mr. Fox) felt it to be a county issue and that because it was in the floodplain, his contact at the county felt it was a flood control issue. We discussed the probable rise of the river and that in this instance, putting the onus on the property owner would most likely result in delays in clean-up with the likely result of the waste washing downstream.

At this point, it became apparent to me that with the News media involved and government agencies pointing the finger at each other that the quickest way to handle it would be to have Western Tech clean-up the medical waste and then make it clear to all parties that this was a one time effort by the District, taken to protect public health.

At approximately, 12 o'clock, Roland Wass and I met Western Tech at the site. Channel 12 News was already there, interviewing the residents. The medical waste in question was minimal, probably less than 15 gallons containerized. The site was typical of the river, strewn with garbage, some partially buried, some on the ground surface. I advised Western Tech to conduct a search of the area to pick up all readily accessible medical waste. They felt that they could complete the search and pick-up the medical waste by the end of the day.

I was interviewed by channel 12 and explained the Flood Control connection; that clean-up efforts would need to be on a site by site basis and that in this circumstance, the District had become involved as good citizens.

I returned to the office and later that afternoon, Western Tech called to let me know that BFI would have their truck pick-up the waste at approximately 4:30. I briefed Stan Smith on our clean-up efforts.

The next day, I spoke to Julie Lemmon, the District's legal council who informed me that I had proceeded without her council and that she would have advised against the clean-up unless 1) the suspect material was on district owned property or 2) The material in question was creating a flood hazard by impeding the flow. She said that she understood my actions based on public interest, but that she was not comfortable with spending District funds in this type of clean-up.

I spoke with Marian Sams and explained the District's legal position regarding the clean-up and asked him, in the future, to contact County Landfill, who has the authority and the ability to respond to solid waste incidents. I placed a similar call to Mr. Perry at ADEQ, but he was not in and I left a message for him to call me.

He returned my call on 2/19 and I explained our legal position, he thanked me for cleaning up the material and that he understood that future clean-ups would have to be on District property.

Contact Persons:

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